



Shapiro Arato Bach LLP

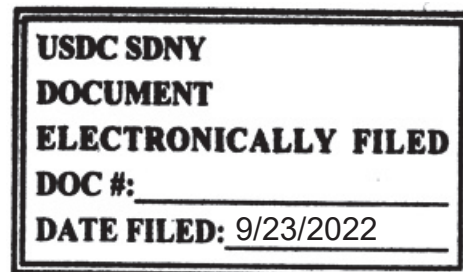
500 Fifth Avenue, 40th Floor New York, NY 10110
phone: 212-257-4880 | fax: 212-202-6417
www.shapiroarato.com

Jonathan P. Bach
jbach@shapiroarato.com
Direct: 212-257-4897

September 20, 2022

Via ECF

The Honorable Robert W. Lehrburger
500 Pearl Street, Room 1960
United States Courthouse
New York, NY 10007



**Re: Hedgeye Risk Management, LLC v. Dale, 21-cv-3687 (ALC)(RWL):
Request to Unseal Filing**

Dear Judge Lehrburger:

We represent Defendants Darius Dale, Steven Lamar, and 42 Macro LLC in the above-referenced matter. We write to request that Defendants' Notice of Affirmative Defenses and Counterclaims, which quotes materials Hedgeye produced in discovery, be permitted to be filed without redactions.

We have filed portions of the Notice under seal only to comply with our obligation under the Protective Order in this case, because Hedgeye designated the underlying materials "Confidential" or "Highly Confidential-Attorneys' Eyes Only." There is no reason the quoted portions of these documents should remain confidential, however, especially in light of the Court's prior rulings rejecting similar designations. (*See, e.g.*, April 28, 2022 Tr. at 45-47 (unsealing a communication concerning Hedgeye's plan to "start[] burner accounts to reveal Darius"), Dkt. 230, Dkt. 236 (unsealing threatening emails from Hedgeye President Michael Blum to Raoul Pal concerning his on-going association with Defendants)). Moreover, Hedgeye's improper "Attorneys' Eyes Only" designations appear to be designed to prevent counsel from discussing important aspects of the claims, defenses, and counterclaims in the case.

Respectfully,

/s/ Jonathan P. Bach

Jonathan P. Bach

In light of Plaintiff's letter at Dkt. 347, which agrees that the information need not be filed under seal, the request to seal is denied.

SO ORDERED:

9/23/2022

A handwritten signature in black ink, appearing to be 'R. Lehrburger'.

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE